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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/054,917 04/02/98 SATTERFIELD

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EXAMINER

WM01/0410

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ART UNIT

PAPER NUMBER

2611

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04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/054,917

Applicant(s)
Satterfield et al.

Examiner
"Krista" Kieu-Oanh Bui

Group Art Unit
2611



☒ Responsive to communication(s) filed on Feb 9, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-51 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-51 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Arguments

1. Applicant's argument with respect on claims 1-51 have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (U.S. Patent No. 5,850,218) in view of Florin et al. (WO 95/01058).

Regarding claim 1, LaJoie et al (or "LaJoie" hereinafter) disclose an interactive television program guide system implemented on user television equipment (col. 2/lines 1-7), comprising means for simultaneously displaying (a) a program list that contains multiple program listings, that only contains program listings for programs that are currently being broadcast, and that has a highlight region for highlighting a given one of the program listings, i.e., all programs currently

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being broadcast are displayed on the program listing (Fig. 16 and col. 23/lines 44-61), (b) a video window that contains an unobstructed view of a television program (col. 23/lines 56-59), and (c) a detailed program description of the highlighted program listing (Fig. 16/item 378); means for allowing the user to position the highlight region among the program listings, i.e., the user uses remote keys for browsing or selecting a highlight cursor (Fig. 16/item 394 and Figs. 11-13 for the illustration of using remote keys); and means for automatically updating the detailed program description to correspond to the highlighted program listing whenever the highlight region is positioned on a new program listing while leaving the television program in the video window unchanged, i.e., LaJoie shows that the program description 378 is updated automatically to correspond to the highlighted program listing 394 as the user moves the highlighted cursor from CBS Sports 394 to New York Ballet (Figs. 16 to Fig. 17) while the current TV program in the video window is unchanged (Figs. 16 & 17/item 340 and col. 23/lines 56-59).

LaJoie might not clearly show to include “means for allowing the user to position the highlight region only among the program listings for programs that are currently being broadcast” as amended; however, Florin et al (or “Florin” hereinafter) teach a same technique as Florin teaches that a user can position the highlight region only among the program listings for programs that are currently being broadcast at the current time (see Florin, Figs 12-13, and page 45 & 47 describing more details on List Functions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie’s interactive program guide system with Florin’s disclosed technique of including “means for allowing the user to

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position the highlight region only among the program listings for programs that are currently being broadcast” in order to provide user a convenient and additional feature in browsing and selecting a currently broadcasting program while scanning or searching through the program listing at a current time as preferred.

As for claim 2, LaJoie further discloses “further comprising means for synchronizing the television program in the video window and the highlighted program listing” as the user selects the highlighted cursor to KCBS channel 2, channel 2 is displaying in the video window 340 (Fig. 16).

As for claim 3, the step of “wherein the means for synchronizing further comprises means for providing the user with an opportunity to select the highlighted program listing” is revealed by LaJoie as LaJoie shows that the user can move the highlighted cursor and selects the one he/she likes (Fig. 16 to Fig. 17 and col. 24/lines 34-51).

Concerning claims 4-5 and 7-8, the steps of “wherein the means for providing the user with an opportunity to select the highlighted program listing further comprises means for allowing the user to select the highlighted program listing with a remote control select key” and “wherein the means for synchronizing further comprises means for providing the user with the opportunity to synchronize the television program in the video window and the highlighted program listing using remote control channel up and down keys” are taught by LaJoie as well (Figs. 6-7, 9-13 as remote keys with Channel Up/Down keys 102, Arrow keys 128 and Select key 136 is used for function settings and selecting; and col. 24/lines 34-51).

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As for claim 6, LaJoie further reveals “wherein the means for synchronizing further comprises means for allowing the user to change the channel for the television program that is displayed in the video window to an adjacent channel while simultaneously positioning the highlight region on top of the program listing for that channel in the program list” as LaJoie shows that when the user moves to the next channel on the program list, the highlight region is simultaneously shows up on top of the program listing (Fig. 17/item 361).

As for claim 9, LaJoie further teaches “wherein the means for allowing the user to position the highlight region further comprises means for allowing the user to position the highlight region with remote control numeric keys” as LaJoie reveals the additional use of numeric keys in selecting PPV events (Fig. 28/item 538).

Concerning claim 10, the step of “further comprising means for providing the user with an opportunity to display an information screen containing an additional description of the highlighted program listing” is disclosed by LaJoie as LaJoie shows to include the description of the program as the user highlights a preferred program in the program listing (col. 27/lines 33-50).

With respect to claim 11, LaJoie further teaches “comprising means for providing the user with an opportunity to return to normal television viewing from the simultaneously displayed program list, video window, and detailed program description” (col. 26/lines 23-26).

Regarding claim 12, LaJoie reveals that wherein the means for positioning the highlight region further comprises means for positioning the highlight region whenever the user presses channel keys (Fig. 6), the system further comprising means for changing the channel of the

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television program displayed in the video window to an adjacent channel whenever the user presses one of the channel keys, i.e., as the user uses the channel up/down keys to select the next adjacent channel KCBS 2, KCET 3 and KNBC 4 (Fig. 6); and means for displaying the program list with the highlight region repositioned at the top of the list on top of a program listing for the adjacent channel whenever the program listing for the adjacent channel does not appear on the program list when the user presses one of the channel keys to change channels, i.e., as the user selects channel 2 by pressing one of channel keys, the highlight region is displayed on top of the program listing (as illustrated in Fig. 16), and in the same manner, as the user selects channel 1 which is adjacent to channel 2, that channel with its highlight region will be displayed as same as mentioned to channel 2, but channel 1 does not appear on the program list (as illustrated by Fig. 16) as the user uses one of the channel keys to do it because the program guide is sorted and shown by time instead of the order of channels.

Regarding claims 13-24, these claims for “a method for using an interactive television program guide system implemented on user television equipment” are rejected for the reasons given in the scope of system claims 1-12 as already disclosed above.

Regarding new claims 25-51, these claims for “an interactive television program guide system and a method for using that interactive television program guide system implemented on user television equipment” with a mixed up of same limitations of claims 1-12 are all rejected for the reasons given in the scope of system and method claims 1-24 as already discussed above.

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Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)

Or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday- Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Krista Bui
Art Unit 2611
April 5, 2001